

**Introduced by Senator Poochigian**February 23, 2001

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An act to amend Section 21177 of the Public Resources Code, relating to environmental quality.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1141, as introduced, Poochigian. Environmental quality: Attorney General.

Existing law provides, except as specified, that no action or proceeding may be brought for noncompliance with the California Environmental Quality Act unless the alleged grounds for noncompliance were presented to the public agency orally or in writing by any person during the public comment period or prior to the close of the public hearing on the project before the issuance of the notice of determination. Existing law prohibits any person from maintaining an action or proceeding unless that person objected to the approval of the project orally or in writing during the public comment period provided or prior to the close of the public hearing on the project before the issuance of the notice of determination. The Attorney General is exempt from these provisions.

This bill would repeal the exemption, thereby making the Attorney General subject to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21177 of the Public Resources Code is  
2 amended to read:



1 21177. (a) No action or proceeding may be brought pursuant  
2 to Section 21167 unless the alleged grounds for noncompliance  
3 with this division were presented to the public agency orally or in  
4 writing by any person during the public comment period provided  
5 by this division or prior to the close of the public hearing on the  
6 project before the issuance of the notice of determination.

7 (b) No person shall maintain an action or proceeding unless that  
8 person objected to the approval of the project orally or in writing  
9 during the public comment period provided by this division or  
10 prior to the close of the public hearing on the project before the  
11 issuance of the notice of determination.

12 (c) This section does not preclude any organization formed  
13 after the approval of a project from maintaining an action pursuant  
14 to Section 21167 if a member of that organization has complied  
15 with subdivision (b).

16 (d) This section ~~does not apply~~ *applies* to the Attorney General.

17 (e) This section does not apply to any alleged grounds for  
18 noncompliance with this division for which there was no public  
19 hearing or other opportunity for members of the public to raise  
20 those objections orally or in writing prior to the approval of the  
21 project, or if the public agency failed to give the notice required  
22 by law.

